

# Exhibit 13

## McDougall, Michael

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**From:** ^FOIA Public Liaison <FOIA.Public.Liaison@ssa.gov>  
**Sent:** Wednesday, February 20, 2019 9:26 AM  
**To:** McDougall, Michael  
**Cc:** Chyn, C. T. Monica  
**Subject:** RE: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**\*\*EXTERNAL Email\*\***

Mr. McDougall:

I am writing to request your assistance with your FOIA request, SSA-2017-001087. As stated in our email below, we are utilizing analysts in our FOIA team that have knowledge of the SSI program to perform the necessary redactions on the responsive SSIDs. We are unable to utilize the agency office that is the actual policy experts on the SSI program, as they, like the FOIA team, are short-staffed. In an effort to move our redactions forward and through the review process in an efficient matter, can you please assist with the following:

- Do you require the full SSID or just the most recent SSID for each number holder? If only the most recent SSID is needed, we will remove the earlier SSIDs from the responsive records.
- Can you identify the fields on the SSID that you are most interested in receiving?

I acknowledge that this request has taken a very long time to complete. Please accept our apologies and know that we have a team of analysts helping to get your request completed.

Thank you,  
The FOIA Team  
SSA

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**From:** ^FOIA Public Liaison  
**Sent:** Thursday, January 17, 2019 12:11 PM  
**To:** 'mmdougall@akingump.com' <mmdougall@akingump.com>  
**Cc:** Chyn, C. T. Monica <C.T.Monica.Chyn@ssa.gov>  
**Subject:** RE: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Good Afternoon, Mr. McDougall:

Thank you for your emailed status request regarding SSA-2017-001087. We are still working on your request (which is over 900 pages of deceased individuals' Supplemental Security Income Displays (SSID)). Our FOIA Team consists of 8 analysts, with a workload of over 250 requests. We are utilizing a number of analysts with knowledge of the Supplemental Security Income program to perform the necessary redactions on the requested deceased individuals' SSIDs. Once our redactions are complete, the SSIDs will go to the Office of General Law for review and clearance.

We apologize for the delay. Please know that we greatly appreciate your patience. Given the aged nature of your request, we are working to get it processed as quickly and efficiently as possible. To ensure open communication, we will email you on a weekly basis to provide status updates.

Thank you,  
The FOIA Public Liaison  
SSA

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**From:** McDougall, Michael <[mmcdougall@akingump.com](mailto:mmcdougall@akingump.com)>  
**Sent:** Wednesday, January 16, 2019 10:58 AM  
**To:** ^FOIA Public Liaison <[FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov)>  
**Cc:** Chyn, C. T. Monica <[C.T.Monica.Chyn@ssa.gov](mailto:C.T.Monica.Chyn@ssa.gov)>  
**Subject:** RE: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Ms. Chyn,

It has now been several months since we last spoke concerning the above-captioned FOIA request. To date, we have not received the interim response that has been repeatedly promised (and for which we provided payment information months ago). We remain extremely interested in this interim response and would appreciate any update that you are able to provide concerning the processing of this request.

If useful, I would be happy to discuss this matter further at your convenience.

Sincerely,

Mike McDougall

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**From:** ^FOIA Public Liaison <[FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov)>  
**Sent:** Monday, September 10, 2018 6:46 AM  
**To:** McDougall, Michael <[mmcdougall@akingump.com](mailto:mmcdougall@akingump.com)>  
**Cc:** Chyn, C. T. Monica <[C.T.Monica.Chyn@ssa.gov](mailto:C.T.Monica.Chyn@ssa.gov)>  
**Subject:** RE: [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Mr. McDougall:

Our apologies on the delay of the email summary of our August 14, 2018 meeting. You are correct: We will provide an interim response on those individuals for whom our record of death is not based on State death data. We are working on that part of the request; however, please allow some time for the necessary redactions to the requested SSIDs.

As concerns the August 14<sup>th</sup> meeting, please see the summary below:

We received the CWF screens you supplied in regards to FOIA request SSA-2017-001087. However, these screens are foreign to the FOIA Team (i.e., we are not familiar with them). We understand from you that the screen shots are findings from HHS/CMS; however, without certification from HHS/CMS, we have no proof of the documents validity.

We also understand that the CWF is accessed by certain SSA and CMS staff in the administration of the Medicare program (under an agreement between both agencies); however, SSA's access to the CWF is limited to what is permissible under that agreement; i.e., access is only for Medicare purposes and the FOIA office does not have privileges to access the CWF system for FOIA purposes.

As concerns SSA's maintenance/storage of State death data, we have greatly changed the death process within our agency. Our systems are funneled so there is one system that holds the source of the record of the death (the Numident) which then is funneled to other systems. Every year, the States have been our primary source of death information. State death information cannot be over-tracked in our systems. Additionally, State death information is exempt from disclosure under the FOIA; therefore, if a State death record is our source of death, we require the FOIA requester to provide proof of death before we can release the requested record. Acceptable proofs of death were provided in our April 11, 2018 letter.

While we wait for proper proof of death for the 117 individuals we identified via spreadsheets/enclosures to our April 11, 2018 letter, we will move forward with the rest of the individuals for whom our source of death is not the State. Please allow time for our redactions to those requested SSIDs.

Thank you,  
The FOIA Public Liaison  
SSA/OPD

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**From:** McDougall, Michael <[mmcdougall@akingump.com](mailto:mmcdougall@akingump.com)>  
**Sent:** Friday, September 07, 2018 5:57 PM  
**To:** Chyn, C. T. Monica <[C.T.Monica.Chyn@ssa.gov](mailto:C.T.Monica.Chyn@ssa.gov)>; ^FOIA Public Liaison <[FOIA.Public.Liaison@ssa.gov](mailto:FOIA.Public.Liaison@ssa.gov)>  
**Subject:** [EXTERNAL] FOIA Ref. No. S9H: SSA-2017-001087

Dear Ms. Chyn,

Thank you and your staff for making time to speak with us last month concerning the above-captioned FOIA request.

When our call concluded, I was under the impression that we could expect an interim response to our FOIA request in the near future, along with a summary of your office's position as to the need for additional certification of the Medicare Common Working File screens that we provided at your request. A few weeks have now passed since our call, so I wonder if you might (a) confirm my understanding as to where things stand, and (b) provide an update regarding the interim response.

Thank you for your attention to this matter, and please do not hesitate to contact me if I can provide any additional information.

Have a nice weekend.

Sincerely,

Mike McDougall

**Michael J McDougall**  
**AKIN GUMP STRAUSS HAUER & FELD LLP**

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